

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

MAR 13 2013

AT 8:30 _____ M
WILLIAM T. WALSH CLERK

GIDEON PATTERSON,

Plaintiff,

v.

BRIAN ELWOOD, et al.,

Defendants.

Civil No. 12-7270 (MAS)

MEMORANDUM AND ORDER

This matter has come before the Court on Petitioner's submission of a Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241. It appears that:

1. Petitioner is currently confined at Monmouth County Correctional Institution in Freehold, New Jersey.
2. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a) nor submitted any materials in application to proceed *in forma pauperis*.
3. Accordingly, the matter will be administratively terminated. Petitioner may reopen the matter by providing (1) a complete *in forma pauperis* application, including a certification of Petitioner's institutional account, as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee;
4. Petitioner subsequently filed a Motion to Appoint Counsel. (Dkt. 2.)
5. Plaintiff's request for counsel is denied as moot at this time.

IT IS THEREFORE on this 12th day of March, 2013,

ORDERED that, to the extent that Plaintiff seeks to proceed without prepayment of the filing fee, Plaintiff's application to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further

ORDERED that Plaintiff's Motion to Appoint Counsel (Dkt. 2.) is DENIED, without prejudice as moot; and it is further


ORDERED that Petitioner's petition for a writ of habeas corpus shall be administratively terminated; and it is further

ORDERED that the Clerk of the Court shall supply to Petitioner a blank form Application to Proceed *In Forma Pauperis* in a Habeas Corpus Case, for use by a prisoner; and it is further

ORDERED that, if Petitioner wishes to reopen this action, he shall so notify the Court within 30 days of the date of entry of this Order, in writing addressed to the Clerk of the Court, Clarkson S. Fisher U.S. Courthouse and Federal Bldg., 402 East State Street, Trenton, New Jersey 08608; Petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certification of Petitioner's institutional account, as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail; and it is finally

ORDERED that the Clerk of the Court shall close the file in this matter.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE